

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Alaska  
**FILE NUMBER:** POA-2006-1763-8

**REGULATORY PROJECT MANAGER:** Debby McAtee **Date:** 12 December 2006  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y) **Date:** October 26, 2006  
At the project site (Y) **Date:** October 19, 2006

**PROJECT LOCATION INFORMATION:**

**State:** Alaska  
**County:** Fairbanks North Star Borough  
**Center coordinates of site by latitude & longitudinal coordinates:** 64.8746N. / 146.9638 W.  
**Approximate size of site/property (including uplands & in acres):** 37.5 acres  
**Name of waterway or watershed:** Chena River

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough		X							
Prairie pothole									
Wet meadow		X							
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
Constructed pond									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_ Or Approved X

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):** The site visit identified two areas on the parcel that are wet with the rest being uplands. Based on the information available to this office, the site visit, photos supplied by applicant, and aerial photos, it is concluded that portions of the area are wetlands, although they appear to be isolated. There is no evidence of a surface or ground water connection to a navigable waterway. DA authorization would not be required.